

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No.: 15-71331-ast

DANA SMITH

AFFIRMATION OF SERVICES

Debtor

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Gary C. Fischhoff, an attorney duly admitted to practice before this Court, affirms, under penalty of perjury as follows:

1. This Affirmation is submitted in accordance with Court's order dated May 27, 2015, requiring Berger, Fischhoff & Shumer, LLP to submit a statement of fees incurred in connection with the above referenced case.

2. Berger, Fischhoff & Shumer, LLP was retained on March 30, 2015 by Dana Smith to prepare and file a Chapter 13 petition on her behalf. On that day at about 4:00 p.m., she retained the firm with a bank check in the amount of \$8,406.00.

3. She requested that the petition be filed immediately on October 31, 2015 because she was concerned that Suffolk County was going to take a tax deed the following day for the Huntington Bay property because of unpaid real estate taxes. We prepared the petition that afternoon, assisted her with the initial pre-filing credit counseling and filed the petition early that evening.

4. The following is a breakdown of the time spent on her matter:

| | | | |
|----------|-----|---|-----|
| 03/30/15 | GCF | meeting with client, review documents discussed obligation of chapter 13 debtor | .8 |
| 03/30/15 | DMT | prepare petition and schedule as much as possible, obtain information from debtor, assist with counseling | 2.8 |
| 03/31/15 | DMT | prepare and fax notice to Suffolk County Trustee re: stay | .1 |
| 03/31/15 | GCF | Telephone conversation with Millie at | .2 |

| | | | |
|----------|-----|---|-----|
| | | Suffolk County Trustee office about effect of filing | |
| 03/31/15 | GCF | Prepare fax of Trust agreement to Millie at Suffolk County Trustee Office | .1 |
| 03/31/15 | GCF | Numerous telephone conversation with Dana Smith about missing information amendments and effect of stay | .4 |
| 04/2/15 | GCF | Meeting with Debtor re: missing information | .6 |
| 04/05/15 | DMT | Draft missing schedule, Telephone conversation with Dana Smith | .8 |
| 04/6/15 | GCF | Telephone conversation with Dana Smith about Surrogates Court | .2 |
| 4/7/15 | GCF | Telephone conversation with Dana Smith about Surrogates Court | .2 |
| 4/8/15 | GCF | Telephone conversations with Dana Smith Surrogates Court | .2 |
| 04/6/15 | DMT | Draft missing schedule with new information, telephone conversation with Debtor | 1.1 |
| 04/8/15 | DMT | Prepare and file additional petition document, emails and numerous telephone conversations with Debtor | 4.8 |
| 4/8/15 | GCF | Telephone conversation with attorney for sisters in surrogate agreement | .2 |
| 4/9/15 | DMT | Draft application and order to extend deadline to file missing schedules | .8 |
| 4/9/15 | GCF | Review and revise draft application and order to extend deadline | .3 |
| 4/14/15 | DMT | Draft and send letter to debtor re: 341 meeting | .2 |
| 4/15/15 | GCF | Telephone conversation with Dana Smith about the Surrogates Court proceeding | .2 |
| 4/16/15 | GCF | Meeting with Debtor re: missing information and request to be relieved as attorney | .3 |
| 4/17/15 | GCF | Telephone conversation with Michael Macco, attorney for sister re: status | .2 |
| | | | |

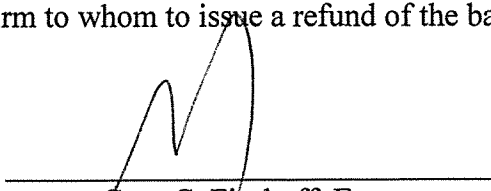
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|--------------------|-----|---|--------------|
| 4/20/15 | BPS | Draft motion and finalize motion to be released as attorney | .9 |
| 4/21/15 | GCF | Review filing by Debtor re: motion to be relieved | .2 |
| 4/30/15 | GCF | Review motion for relief from stay | .4 |
| 5/1/15 | GCF | Review filing by Dana Smith | .1 |
| 5/21/15 | GCF | Court appearance on motion to be relieved | 2.5 |
| 5/26/15 | GCF | Calls to Dana Smith re: upcoming deadline | .2 |
| 5/31/15 | GCF | Draft affidavit of service | .9 |
| Total Hours | | | 18.90 |

| Attorney | Rate | Total Hours Per Atty | Total Fees |
|-----------------|-------------|-----------------------------|-------------------|
| GCF | \$525 | 8.20 | \$4305.00 |
| BPS | \$300 | .9 | \$270.00 |
| DMT | \$185 | 10.60 | \$1961.00 |

| | |
|-------------------------|-----------------|
| Total fees | \$6,536.00 |
| Filing fee | \$ 310.00 |
| First credit counseling | <u>\$ 50.00</u> |
| Total Earned | \$6,896.00 |

5. I have reviewed the letter filed by the Debtor where she raises an issue about a conflict. I cannot adequately respond to it, except to deny it, because I have no idea what she is talking about.

6. Based on the foregoing, it is requested this Court award a final fee allowance of \$6,896.00 and issue an order directing the Firm to whom to issue a refund of the balance.



Gary C. Fischhoff, Esq.